

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WILLIE M. PATRICK,)	
)	
Plaintiff,)	
)	Civil No.
vs.)	FILED: JUNE 11, 2008
)	08CV3380
BARRON HOOPER and WALLY KOBYLANSKI,)	JUDGE LEFKOW
)	MAGISTRATE JUDGE DENLOW
Defendants.)	AEE

NOTICE OF REMOVAL

Defendant Barron Hooper files this Notice of Removal of this action from the Circuit Court of Cook County, Illinois, Municipal Department, Sixth District, where it is now pending as Case No. 08 M6 1793, to the United States District Court for the Northern District of Illinois, Eastern Division. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. Defendant states as follows:

1. An action was commenced against the above named defendants in the Circuit Court of Cook County, Illinois, Municipal Department, Sixth District, entitled Willie M. Patrick v. Barron Hooper and Wally Kobylanski, Case No. 08 M6 1793, requesting an award of damages to be paid by Patrick's union steward, Barron Hooper, and his business agent, Wally Kobylanski, for allegedly destroying documents which presumably caused plaintiff to lose \$2475.00 in back pay from his employer.

2. Defendant Hooper was served with an Alias Summons and Complaint in this matter on or about May 29, 2008. Alias Summons and Complaint attached hereto as Exhibit A. As of the filing of this notice, personal service has not been effected on defendant Kobylanski. Therefore, this

Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b), because it has been filed within thirty (30) days of defendant Hooper's receipt, through service or otherwise, of the initial pleading setting forth the claim for relief upon which the action or proceeding is based.

3. Although not explicitly stated in the brief factual statement in the complaint, plaintiff's claim here against his union steward and business agent is for a breach of the duty of fair representation under the National Labor Relations Act, 29 U.S.C. § 185. Such claims, however, can only be brought against unions and not individual union officials. *See Morris v. Local 819*, 169 F.3d 782, 784 (2nd Cir. 1999); *Carter v. Smith Food King*, 765 F.2d 916, 920-21 (9th Cir. 1985); *Montplaisir v. Leighton*, 875 F.2d 1, 4 (1st Cir. 1989); *Banks v. Alexander*, 493 F.Supp.2d 1008, 1016 (S.D. Ohio 2007) (collecting cases).

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 because it presents a federal question, and it is one for which defendant Hooper may request removal to this court pursuant to 28 U.S.C. §§ 1441(b) and 1446.

5. The State Court in which this action was commenced is within this Court's district and division.

6. This Notice of Removal is being filed with the Circuit Court of Cook County, Illinois, Municipal Department, Sixth District, and is being served via United States Mail on plaintiff, as set forth in the attached Certificate of Service. A copy of the Notice of Filing of Notice of Removal is attached hereto as Exhibit B.

WHEREFORE, defendant Hooper prays that the above-described action now pending in the Circuit Court of Cook County, Illinois, Municipal Department, Sixth District, be removed to this Court, pursuant to 28 U.S.C. §§ 1441 and 1446.

This the 11th day of June, 2008.

/s/Phillip H. Snelling

Phillip H. Snelling
Jeffrey B. Gilbert
JOHNSON JONES SNELLING GILBERT & DAVIS, P.C.
36 South Wabash
Suite 1310
Chicago, Illinois 60603
Telephone: (312) 578-8100
Facsimile: (312) 422-0708

ATTORNEYS FOR DEFENDANT HOOPER

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing **NOTICE OF REMOVAL** upon plaintiff by depositing same in the United States mail, postage prepaid and addressed as follows:

Willie M. Patrick
2933 Sussex Ave.
Markham, IL 60428

This 11th day of June, 2008.

/s/ Phillip H. Snelling

2220 - Not Served 2620 - Sec. of State
 as Served 2221 - Alias Not Served 2621 - Alias Sec. of State
 015 (This form replaces CCM 0646, CCM1 0646, CCM1 0651, CCM1 0648, and CCM1 0649-2 thru 6) CCM N649-60M-9/15/06 (

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 MUNICIPAL DISTRICT

ame All Parties

WILLIE M. PATRICK
 Plaintiff(s)
 v.
SARON HOOPER
 Defendant(s)
10712 S PROSPECT AVE
CHICAGO, ILL. 60643
 Address of Defendant(s)

Case No. 08-116-1793

Amount Claimed: \$ 2610.00

Appearance Filing/Return Date: _____

Status Date: _____

Trial Date: 6/12/08

Time: 9:30 AM Room: 209

ALIAS SUMMONS

To each Defendant:

YOU ARE SUMMONED and required:

1. To file your written appearance by yourself or your attorney and pay the required fee in:

- ☐ District 1: Richard J. Daley Center; 50 West Washington, Room 602; Chicago, IL 60602
☐ District 2: 5600 Old Orchard Rd., Rm 136; Skokie, IL 60077 ☐ District 5: 10220 S. 76th Ave., Rm 121; Bridgeview, IL 60455
☐ District 4: 1500 Maybrook Dr., Rm 236; Maywood, IL 60153

on _____, between the hours of 8:30 a.m. and 2:30 p.m.;

☐ District 3: 2121 Euclid, Rm 121; Rolling Meadows, IL 60008 ☐ District 6: 16501 S. Kedzie Pkwy., Rm 119; Markham, IL 60428
 on 6/12/08, 2008, before 9:00 a.m.

2. File your answer to the complaint before 9:00 a.m. as required by the applicable subsections of Paragraph 3 or 4 in the NOTICE TO THE DEFENDANT on the reverse side.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT, A COPY OF WHICH IS HERETO ATTACHED.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service, and not less than 3 days before the day for appearance. If service cannot be made, this summons shall be returned so endorsed.

This summons may not be served later than 3 days before the day for appearance.

THERE WILL BE A FEE TO FILE YOUR APPEARANCE. SEE FEES ON THE REVERSE SIDE OF THIS FORM.

Atty. No.: AL0 SE 9950

Name: WILLIE M. PATRICK

Atty. for: _____

Address: 2433 SUSSEX AVE

City/State/Zip: MARKHAM IL 60428

Telephone: 708-546-5675

WITNESS, DOROTHY BROWN MAY 23 2008

DOROTHY BROWN Circuit Court Clerk

Date of Service: _____

(To be inserted by officer on copy left with Defendant or other person)

SEE REVERSE SIDE

** Service by Facsimile Transmission will be accepted at:

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY,

EXHIBIT

A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Willie M. Patrick

Plaintiff(s)

v.

Barrod Hooper & Wally Kobylanski

Defendant(s)

No.

08mb-1793

Contract

Amount Claimed \$

2618 + CC

Return Date

5-22-08

COMPLAINT

The Plaintiff(s) claim(s) as follows:

MR. HOOPER UNION STEWARD & MR. WALLY KOBYLANSKI DESTROYED
 IMPORTANT DOCUMENTS THAT CAUSED ME 2,475.00 IN BACK
 PAY FROM MY EMPLOYER. WHEN I PRESENTED MY COPIES,
 MR. HOOPER & MR. KOBYLANSKI DENIED EVER HAVING COPIES
 IN THEIR POSSESSION EVEN THOUGH MR. HOOPER'S SIGNATURE IS
 ON ALL THE DOCUMENTS.

Business Agent

JUN 22 AM 9:52

I, Willie M. Patrick, certify that I am the

(Name)

(Name of Attorney if applicable)

plaintiff in the above entitled action. The allegations in this complaint are true.

Atty. No.:

Pro Se 99500

Dated:

4/22/08

Atty. (or Pro Se Plaintiff)

Name: Willie M. PatrickAddress: 2933 SUSSEX AVECity/State/Zip: MARKHAM, IL 60428Telephone: 708-596-5675Patrick

Signature

☐ Under penalties as provided by law pursuant to 735 ILCS 5/1-109
 the above signed certifies that the statements set forth herein
 are true and correct.

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT, SIXTH DISTRICT**

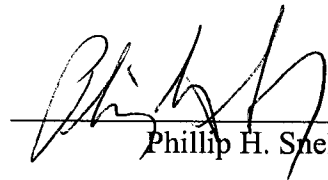
WILLIE M. PATRICK,)	
)	
Plaintiff,)	
)	Civil No. 08 M6 1793
vs.)	
)	
BARRON HOOPER and WALLY KOBYLANSKI,)	
)	
Defendants.)	

NOTICE TO COURT OF REMOVAL

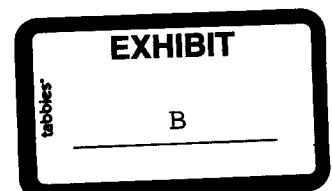
PLEASE TAKE NOTICE that Defendant Hooper, on June 11, 2008, has filed a Notice of Removal in the Office of the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division. A copy of that Notice of Removal is attached hereto as Exhibit A.

PLEASE TAKE FURTHER NOTICE that, pursuant to 28 U.S.C. § 1446, the filing of the Notice of Removal in the United States District Court for the Northern District of Illinois, Eastern Division, together with the filing of that Notice with the Clerk of this Court, effects the removal of the above-styled action to the United States District Court, and this Court may proceed no further unless and until the case is remanded.

This the 11th day of June, 2008.


Phillip H. Snelling

Phillip H. Snelling
Jeffrey B. Gilbert
JOHNSON JONES SNELLING GILBERT & DAVIS, P.C.
36 South Wabash, Suite 1310
Chicago, Illinois 60603
Telephone: (312) 578-8100
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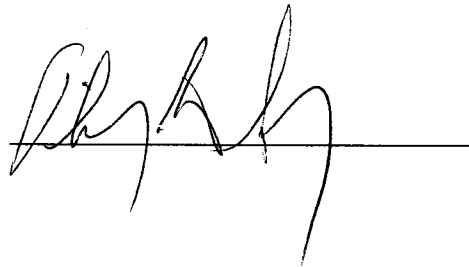


CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing **NOTICE OF REMOVAL** upon counsel of record by depositing same in the United States mail, postage prepaid and addressed as follows:

Willie M. Patrick
2933 Sussex Ave.
Markham, IL 60428

This 11th day of June, 2008.

A handwritten signature in black ink, appearing to read "Willie M. Patrick", is written over a horizontal line.